

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
April 27, 2010**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Pesec called the meeting to order at 7:03 p.m.

ROLL CALL

The following members were present: Messrs. Bodnar (alt. for Adams), Brotzman, Martin (alt. for Troy), Schaedlich, Siegel, Terriaco (alt. for Morse), Welch (alt. Aufuldish), and Zondag and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Truesdell.

MINUTES

Ms. Hausch said that, in the middle of page three, the date of the preliminary plan approval of Villa Grande at Lake Erie Shores should be determined. Mr. Radachy said he would research the date.

Mr. Siegel moved and Ms. Hausch seconded the motion to approve the February, 2010 minutes as submitted and with the corrected date of the preliminary plan approval of Villa Grande at Lake Erie Shores.

Eight voted "Aye".
Two abstained.

FINANCIAL REPORT

February, 2010 Financial Report

Mr. Siegel moved and Mr. Schaedlich seconded the motion to approve the February, 2010 financial report.

All voted "Aye".

March, 2010 Financial Report

Mr. Boyd said that the \$50,000.00 grant money has been received for the Eastern Lake County Coastal Tributaries Balanced Growth Plan. Revenues will increase

with Public Officials Directory sales. The March report also reflects our complete 2010 appropriations from the County Commissioners.

Mr. Siegel moved and Mr. Schaedlich seconded the motion to approve the March, 2010 financial report.

All voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Eric Condon, Assistant Prosecutor, said there were no legal issues to report.

DIRECTOR'S REPORT

Balanced Growth Initiative

Mr. Boyd said the Balanced Growth Initiative is proceeding. The planning team composed of Lake County Soil and Water Conservation District, Geographic Information System (GIS), and Stormwater Management and Chagrin River Watershed Partners has met five times and has performed two GIS "beta tests" to ensure accurate mapping procedures.

Lakefront Zoning Code for Willoughby City

Mr. Boyd said staff presented the draft of the Lakefront Zoning Code to the Willoughby City Planning Commission on April 22nd. Approximately \$3,000 of the \$3,500 contract has been submitted for payment.

Coastal Plan and Lost Nation Airport Analysis

Staff continues to work with the Port Authority on the Coastal Plan. Current efforts are focused on the engineering/design phase of the Madison Township Park Beach Enhancement project. Construction is anticipated for next spring due to necessary time needed to secure permits. Staff applied for a grant of \$25,000.00 to the Cleveland Foundation on behalf of the Lake County Port Authority for Phase II of the Lost Nation Airport Analysis. We will be used as a financial conduit for the grant money.

2011 Budget Appropriations

Mr. Boyd said we have begun a preliminary review of the 2011 budget.

ANNOUNCEMENTS

NE Ohio Planning and Zoning Workshop

The 2010 Northeast Ohio Planning and Zoning Workshop will be held on Friday, June 25th at the Avalon Inn in Warren, Ohio.

SUBDIVISION REVIEW

Concord Township - The Nature Preserve North, Phase 4, Preliminary Plan, 10.73 Acres, 10 Lots

Mr. Radachy said that Nature Preserve North, Phase 4 is located off of Butterfly Drive on the north side of Girdled Road, west of Ravenna Road and east of Route 44. Each subplot will have a 15% slope after the final grade and will be required to follow hillside regulations. Concord Township is concerned about the need of variances in the future to reduce the front yard setback due to topographic issues with the sublots. The sublots get steeper as they go further back. The Sanitary Engineer stipulated that all the houses will be served by gravity sewer from basement service.

Zoning Information:

- 0.505 minimum lot size
- 100 foot width at building setback line
- Building setback line is 50 feet from ROW or 80 feet from center line, whichever is greater.

General Information:

- This subdivision is dividing land that was originally divided into sublots 17, 18 and 19 of Nature Preserve Phase 1 and remaining land from Nature Preserve Phase 3.
- All sublots have slopes or proposed slopes of 15% or greater.
- Proposed road is at a 10% grade, maximum allowable grade. The current driveway has a grade greater than 10%, so the road will require major cutting and filling in order to meet the 10% maximum grade requirement.
- The Pond and bridge shown on the preliminary plan are no longer in existence.
- The driveway that exists on the site was created to access the gas well on parcel 8A-4B-12. The gas well currently has a driveway off Ravenna Road, so the driveway is no longer required to be used.

Mr. Radachy displayed the topographic and aerial maps depicting the steep grade and the road profile necessary to maintain the 10% grade. They do meet the 10% specification for road grade. Sublots A and B will have a common access drive and a culvert to cross the stream. A pond is marked on the preliminary plan site map in 2000 but it no longer exists on the 2004 and 2007 air photos. A preliminary wetlands

delineation needs to be completed. 70% of the site is Gossport Loam which is highly erodible soil once the vegetation is removed. The County Engineer stipulated that mass clearing of the site will be required. This may present an erosion concern.

Proposed Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District.
Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C
2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
4. Painesville Township Local Schools has changed their name to Riverside Local Schools. The preliminary plan has the wrong name listed. *Article III Section 3(D)(1)(t)*
5. The Preliminary Plan is showing a pond adjacent to subplot 93 of Nature Preserve North Phase 3. Staff did a field check and discovered that the pond was removed. Proper wetlands delineation needs to be performed on this site and submitted for review. *Article III Section 3(D)(1)(z).*
6. There are topographic features within and adjacent to the property being subdivided for a minimum distance of 200 feet that is being shown but not actually existing. The proper topographic features shall be shown. The engineer may determine the best source for this information. *Art. III Section 3(D)(1)(j)*
 - a. Existing bridge shown on proposed subplot E does not exist. *Concord Twp.*
7. Sublots shall have numbers on the plat, not letters. *Article III Section 6(D)(3)(a)*
8. The cul-de-sac shall have a pavement diameter of 100 feet and right-of-way of 110 feet. If conditions warrant, and if recommended by the township, the pavement diameter may be increased to 120 feet and the right-of-way diameter may be increased to 130 feet. The preliminary plan is showing a cul-de-sac pavement diameter of 110 feet and right-of-way diameter of 130 feet. This does not meet the requirements or the spirit of the regulation. *Article IV Section 3(B)(9)*

9. The radii on both the pavement edge of Shallowtail Court and the right-of-way is to be thirty (30) feet minimum at all points of roadway intersections. *Article IV Section 3(B)(10) **Variance requested***
10. The right-of-way shall be sixty feet. *Article IV Section **Variance requested***
11. The 12 foot utility easement needs to be increased to 15 feet. *Article IV Section 4(A)(1)*
12. The subplot arrangement and design shall be such that all sublots will provide satisfactory and desirable building sites properly related to topography and the character of surrounding development. *Article IV Section 7(A)(1)*
 - a. While the proposed lots and building footprints shown meet the minimum zoning requirements for the R-1 District, the Township has concerns about the buildability of the proposed lots and potential zoning variances that may be needed upon consideration of the topographical challenges of the site. *Concord Twp.*
 - b. The proposed building footprints are small compared to the existing subdivision phase footprints. *LC Engineer*
 - c. Sublot "A" has a frontage of 588.70 feet. 400 feet of this frontage is seven to twenty feet wide. This is creating a subplot with an extreme amount of frontage with a narrow section that they would be required to maintain. Staff is questioning the need for subplot "A" to encompass this strip of land between sublots 20 and 23 of Nature Preserve Phase 1 and the proposed right-of-way.
 - i. If proposed subplot "A" remains extended all the way down to Butterfly Street, then existing s/l 20 does not meet the definition of a corner lot and, therefore, is not required to meet the 50 ft. minimum side yard setback for corner lots. *Concord Township's comment on reduced right-of-way variance.*
13. When access to a subplot is required through another subplot, the subdivider shall comply with the rules set forth in Article IV Section 4 B of These Regulations (Common Access Drive). *Article IV Section 7(A)(7)*
 - a. Proposed sublots A and B show access by a common drive. A common driveway easement should be created, the maintenance of which should be the responsibility of the property owners. *Concord Twp.*
14. Retaining walls shall follow Building Department Guidelines. Retaining walls are not to be used for providing a building envelope or used to support structures. There appears to be a structure shown on subplot "E" as part of the proposed driveway grade. Please verify this structure type. *Article IV Section 7(A)(8)*
15. All riparian setbacks are to be shown on all plans submitted to the Planning Commission. *Article IV Section 8(3)(d)*
16. This subdivision has all sublots exceeding the maximum grade of 15% and will be required to follow the requirements in Article IV Section 9, Hillside Regulations. *Article III Section 3(D)(1)(aa)*

- a. All Sublots in this subdivision have existing grade slopes exceeding 15%. *LCD, Inc. Page 2 of Preliminary Plan.*
 - b. The proposed subplot widths will not work if side loaded garages are constructed. *LCE*
17. All subplot existing grades exceeding 15% need to be affirmed by the County Engineer. *Article IV Section 9(B)*
18. The maximum grade on the portion of a driveway within a public right-of-way shall not exceed eight (8) percent and ten (10) percent outside the right-of-way. The driveways for this subdivision shall meet these standards and verification shall be submitted. *Article IV Section 9(G)*
19. All streets shall be graded to their full width, including side slopes, and improved in conformance with the standards given or referred to in the Lake County Engineer's standards, the ODOT Standards or any other applicable rules and regulations. All materials and construction procedures shall be in accordance with the current "Construction and Materials Specifications" of the State of Ohio Department of Transportation or the specifications on file in the Lake County Engineer's office. *Article V Section 2(A)*
 - a. What engineering will be put in place in order to stabilize the roadway at its steepest point and prevent future failings? *Concord Twp.*
20. The driveway easement platted with Nature Preserve North Phase 1 on subplot 19 will be required to be released prior to filing of the Nature Preserve North, Phase 4, Plat. *LCPC*
21. The PVC pipe currently under the under the gravel driveway will not be allowed to remain in the right-of-way. *LCPC*
22. Fire flows must meet the ISO minimum requirements for size, type, and spacing for structures built. *Concord Twp. Fire Dept.*
23. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*
24. Hydrant steamer outlet shall be 5" Stortz fitting on all hydrant installations, and future installations. *Concord Twp. Fire Dept.*
25. Building setback lines shall be established on each lot to meet the minimum lot width requirement of 100 ft. as set forth in Section 15.05 of the Concord Township Zoning Resolution. The setback line on proposed subplot E does not meet this requirement and should be moved further back on the lot in order to comply. *Concord Twp.*
26. The sanitary sewer must be designed for basement service to the proposed houses. *L.C. Utilities*
27. The sanitary sewer must be completely within the right of way. Maybe a 60' R-O-W would help? *L.C. Utilities*

28. Wetland/stream impacts are eminent. All necessary permits from Army Corps of Engineers and other jurisdictional agencies are required prior to Stormwater Management Department's approval. *LC Engineer*
29. In order to provide the proper drainage of sublots, the site must be mass graded. *LC Engineer*
30. Post Construction Best Management Practices (BMP) must be installed. *LC Engineer*
31. All sublots shall be serviced by a rear yard drain. *LC Engineer*
32. The buildings will be subject to the Building Departments footer slope requirements. *LCE*
33. An Erosion and Sediment Control Plan shall be prepared in accordance with the Lake County Erosion and Sediment Control Rules for the project. *LCSWCD*
34. All wetland & stream impact permits shall be obtained from the US Army Corps of Engineers and/or Ohio EPA prior to the start of construction. Permit notifications shall be copied to the District. The applicant shall determine if Individual Permit requirements will be required from the U.S. Army Corps of Engineers for any proposed stream or wetland impacts associated with Phase IV. Cumulative impacts from Phases I-III may require the applicant to obtain an Individual Permit for additional impacts associated with the Nature Preserve North Subdivision. *LCSWCD*
35. Grading and erosion & sediment control plans shall indicate how the wetland identified south of the Swallowtail Court & Butterfly Street intersection will be avoided and/or protected from fill if filling activity will not occur in this location to build the Swallowtail Court roadway and right-of-way. The wetland boundaries shown on the preliminary plans do not appear to accurately depict the extent and shape of the wetland located in this area. *LCSWCD*
36. Riparian setbacks shall be clearly shown on the preliminary plan. No mass clearing shall take place in the riparian setback area. *LCSWCD*
37. Please be advised, the proposed building lots will be located on Gosport silty clay loam and Ellsworth silt loam soils, both of which are rated as USDA highly erodible soils and are prone to movement and erosion once vegetation is removed and drainage patterns are altered. *LCSWCD*

Comments:

1. The County has no interest in the Stormwater and Riparian Easements shown on the preliminary plan. Please advise us if the applicant has an interested party to hold the easement. If not, the easements shall be removed. *LCPC*
2. The Cleveland Electric Illuminating Company has no cause to recommend approval be withheld for this submittal. *CEI*
3. Prior to issuance of a final Certificate of Occupancy the Lake County General Health District shall have granted final approval of a conforming water and sanitary sewerage disposal system. A final Certificate of Occupancy will not be issued by the Lake County

Building Department until or unless the building official inspects the building or structure and finds no violations of the provisions of the 2004 Residential Code of Ohio for One, Two and Three-Family Dwellings, or other laws that are enforced by the Lake County Building Department. **No building or structure shall be used** or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy. *L.C. Building Dept.*

4. Streets and Fire Hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept*
5. Spacing of fire hydrants will be determined by the Concord Township Fire Department and based on a case by case review. *Concord Twp. Fire Dept*
6. Building numbers must be provided and installed prior to occupancy of any structure. *Concord Twp. Fire Dept*
7. Street name signs and "No Parking on Hydrant Side of Street" signs shall be provided and installed prior to the start of construction of any structure. *Concord Twp. Fire Dept*
8. Street name signs and mailbox house numbers must be double sided. *Concord Twp. Fire Dept.*
9. A hydrant shall be placed at the entrance of the cul-de-sac (Permanent or Temporary). *CTFD*
10. All contractors are to be instructed NOT to park on the hydrant side of the street during any construction. *Concord Twp. Fire Dept.*
11. Concord Township Fire Department will require a street "name change" if it is determined one is similar to others already established in Concord Township. *Concord Twp. Fire Dept.*
12. Final approval could be forthcoming when detailed construction plans are submitted to the Lake County Department of Utilities for review. *L. C. Utilities*
13. Potable water to be provided by Painesville City per their "Franchise Agreement" with the Board of Lake County commissioners. *L. C. Utilities*

Staff is recommending denying approval of the preliminary plan provided. The site will require a lot of alteration due to difficult soils, topography, and long term maintenance on the road which might be a problem for the Township in the future.

Bill Vondra from Land Design Consultants said that his client would rather have three estate lots but because of the policy of the Utilities Department that requires individual six-inch sanitary laterals that are lengthy with manholes every 300 feet, financially, it does not make sense. He reviewed the stipulations addressing the pond and wetland issue saying it is in an area where he planned to have no disturbance. A variance was requested to change the right-of-way from 60 feet to 50 feet so he can move the houses closer to the road. He addressed stipulations dealing with building

setback lines, sanitary sewer for basement service, wetland/stream impacts and riparian setbacks. In response to Stipulation 34, the wetland area by subplot 16 was delineated at one time. They questioned the County Engineer's requirement for a rear yard drain for all sublots and the Building Department's footer slope requirements.

Mr. Vondra explained that the policy of the County is that each house requires an individual sanitary connection. They cannot be shared among the houses and a manhole is required every 300 feet.

George Hadden of the County Engineer's office said their issue was the right-of-way. The County Engineer would require a 60-foot right-of-way. The turn-outs variance does not matter as much.

As discussions occurred with the Planning Commission, Soil and Water Conservation District and the County Engineer, Mr. Boyd said discussion of the variances should technically take place after the subdivision design has been approved. At this point, the Planning Commission Board has to first act on the subdivision and then the variance requests.

Mr. Vondra submitted a letter tabling The Nature Preserve North, Phase 4, Preliminary Plan.

Mr. Siegel moved and Mr. Brotzman seconded the motion to accept the tabling of The Nature Preserve North, Phase 4, Preliminary Plan.

All voted "Aye."

The Nature Preserve North, Phase 4, Variance to Article IV, Section 3 (B-10)
The Nature Preserve North, Phase 4, Variance to Article IV, Section 3(D)

The Article IV, Section 3 (B-10) variance requests elimination of the 30-foot radius right-of-way turnout at the intersection of Swallowtail Court and Butterfly Street. The developer also requested a variance to Article IV, Section 3(D) to reduce the right-of-way width from 60 feet to 50 feet for Shallowtail Court from the intersection with Butterfly Street to the cul-de-sac.

Mr. Vondra amended his original letter to include tabling The Nature Preserve North, Phase 4, variance to Article IV, Section 3 (B-10) and the variance to Article IV, Section 3(D).

Mr. Siegel moved and Mr. Brotzman seconded the motion to accept the letter tabling The Nature Preserve North, Phase 4, variances to Article IV, Section 3 (B-10) and to Article IV, Section 3(D).

All voted "Aye".

Subdivision Activity Report

Mr. Radachy said Orchard Springs Phase 1 is currently having the plat signed by the utility companies. The Engineer and Sanitary Engineer agree that it is ready to go into maintenance. Villa Grande, Sublot 14 with the open space has been recorded. Lot splits are trending upward.

LAND USE AND ZONING REVIEW

There were no Land Use and Zoning cases for review.

REPORTS OF SPECIAL COMMITTEES

Coastal Plan Committee: Madison Township Park and Funding Requests (via Lake County Port Authority)

Mr. Boyd noted that engineering work continues on the public beach for Madison Township Park and the Township is looking for construction to begin next Spring. We continue to work with John Loftus of the Lake County Port Authority for funding requests for the Lake County Coastal Plan.

CORRESPONDENCE

There was no correspondence to report.

OLD BUSINESS

There was no old business to report.

NEW BUSINESS

Change the Number of Subdivision Plans to be Submitted

Mr. Boyd said because of the addition of new alternates and increased use of color, staff would like to increase the number of plans the developer submits and require all documents be submitted in .jpeg and .pdf formats. The required amount of copies will be 15 for preliminary plans, final plats and improvement plans, and 30 copies of the 11 x 17 plans.

Mr. Siegel moved and Mr. Schaedlich seconded the motion to increase the number of plans submitted.

All voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

ADJOURNMENT

Mr. Siegel moved and Mr. Schaedlich seconded the motion to adjourn the meeting.

The meeting adjourned at 7:52 p.m.